

Joint Committee to Develop a Master
Plan for Education - Kindergarten
through University

Governance Working Group

Final Report
December, 2001

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Executive Summary

Governance addresses the education system's ability to meet its expectations and solve problems within its structure. Governance is essentially structure and control: What officials or entities should be making and carrying out what decisions, and within what structures? To answer these questions, the goals of the education system must be clearly articulated. The goals then provide a basis for the configuration of structures and the designation of responsibilities and decision-making authority.

The Governance Working Group recommended improvements in the structure of education governance to meet three goals:

- Employing student achievement as the measure of success.
- Improving accountability—a clear delineation of responsibilities and consequences.
- Ensuring coordination between K-12 and postsecondary education, and between and among the University of California, California State University, and California Community Colleges.

K-12 State-level Recommendations

1. **Accountability to California's citizens for the operations of K-12 public education at large, and ultimate responsibility for the delivery of education to California's K-12 public education students in particular, should both reside in the office of the Governor. The Governor should appoint a Chief State Schools Officer, to carry out, on behalf of the Governor, the following functions: establishing learning expectations, providing an accountability system of measurement (including specific technical assistance), and apportioning resources, and to serve as the Director of the Department of Education. (A minority position within the Group favored continuing to have an independent elected office responsible for K-12 education.)**
2. **The Governor should be accountable for all state-level K-12 education agencies.**
3. **The separate executive director and staff of the State Board in the Department of Education should be eliminated.**
4. **The State Board of Education members should be drawn from and represent distinct geographical regions, and the functions of the State Board should be limited to policy matters.**

K-12 Intermediate-level Recommendations

1. **A state-level inquiry, organized independent of currently existing agencies, should examine county offices and regional entities and their ability to meet current and emerging district, intermediate, and regional needs,**

including fiscal oversight, academic oversight, and management and administrative assistance. After this inquiry is performed and reported, the Master Plan should incorporate a corresponding course of action.

K-12 District-level Recommendations

1. A report of all pertinent research to date should be compiled regarding the effects of district and school size and structure on curriculum articulation, service coordination, and accountability at the site and district level. After this inquiry is performed and reported, the Master Plan should incorporate a corresponding course of action.
2. An examination of collective bargaining should be undertaken to determine the extent to which bargaining agreements may constrain the ability of school districts to ensure the provision of essential non-personnel resources to students. The results of this examination should be used to determine an appropriate strategy to ensure that all districts set aside sufficient resources to meet state standards before engaging in bargaining for use of public resources for personnel costs.

Postsecondary Recommendations

California Community Colleges (CCC)

1. The California Community College system's main missions, by level, should be: state level, transfer; regional and local levels, workforce preparation; and local level, remediation.
2. The responsibilities of the Board of Governors and local boards should be defined as the following:

Board of Governors:

- Exercise general supervision over, and coordination of, the local community college districts.
- Provide leadership and direction through research and planning.
- Establish minimum conditions and standards to be required for all districts to receive state support and to function within the system.
- Establish specific accountability measures and assure evaluation of district performance based on those measures.
- Approve courses of instruction and educational programs that meet local, regional, and state needs.
- Administer state operational and capital outlay support programs.
- Adopt a proposed system budget and allocation process.
- Ensure system-wide articulation with other segments of education.
- Represent the districts before state and national legislative and executive agencies.

Local Boards:

- Establish, maintain, and oversee the colleges within each district.
 - Assure the district meets the minimum conditions and standards established by the Board of Governors.
 - Establish policies for local academic, operations, and facilities planning to assure accomplishment of the statutory mission within conditions and standards established by the Board of Governors:
 - Adopt local district budgets.
 - Oversee the procurement and management of property.
 - Establish policies governing student conduct.
 - Establish policies to guide new course development, course revision/deletion, and curricular quality.
3. A state assessment should be conducted on the value of and need for restructuring of local districts with attention to the size and number of colleges in a district, as well as the scope of authority that should be assigned to each district. Should this assessment find restructuring valuable and desirable, incentives should be provided to encourage restructuring.
 4. The CCC Board of Governors should have the same degree of flexibility and authority as that of CSU/UC, including the authority to appoint/approve senior staff to the Board of Governors.

California Postsecondary Education Commission (CPEC)

1. CPEC should be configured as follows:
 - The Governor should appoint its membership, for staggered terms.
 - The commission should continue to appoint its executive director.
 - There should be a civil service exemption for staff (parity with the structure of CSU).
 - The mission should be to provide policy and fiscal advice that represents the broad public interest, planning for coordination, program review, and new campus approval.

K-16 Recommendations

The Master Plan should be adopted by the Legislature as a template from which to formulate legislation and regulatory policy and thereby reduce the number of bills considered each year.

The responsibility for K-16 coordination should be assigned to the Governor. An independent agency should be identified to collect K-16 data, including cross-segmental and cross-level data.

To provide a firm legal basis for a sphere of local control, consideration should be given to amending the state constitution to permit local districts to adopt limited “home rule” authority through votes of their electorates in a manner similar to that long permitted for cities and counties.

Introduction

The Report

This report is the product of nearly a year's work by the Governance Working Group. The Group, made up of members from different education and civic backgrounds and fields, has listened to presentations and read extensive background materials on the many governance issues that affect California's public education system.

This report sets out the Group's recommendations and rationale, provides background on governance, and supplies two appendices: Appendix A, which includes Group meeting information and the meeting summaries, and Appendix B, which includes the materials available to the Group throughout the process. No member agrees with every assertion in the report; most of the Group concluded that different perspectives could cause people to reach varying conclusions. Nonetheless, the recommendations contained herein are strongly supported by a majority in each instance.

This introduction is followed by the Group Findings section, which sets forth the governance recommendations and rationale. Although the Conclusion sums up the body of the report, the subsequent Governance Background section explains in greater detail some of the concepts discussed in the Group Findings.

Charge and Scope

When building a system, either in the form of a physical structure or an organization of people and resources, one temptation is to focus first on form, especially when the system is very large and complex. However, an organization's form exists to support that organization's substantive goals, and hence should be shaped only after those goals are determined.

Governance Charge

- ◆ Determine desired outcomes of California's public education system.
- ◆ Recommend structural governance forms that offer the greatest promise to yield the desired outcomes.
- ◆ Assign roles and responsibilities within the structures.

The first element of the Governance Working Group's operational charge, added by the group, was to determine the general desired outcomes of California's public education system (see box, next page). This step involved confirming some current goals, modifying others, and adding more. The Group continued to modify this list of outcomes throughout its meetings. Priority outcomes that are overarching in nature include coordination of and accountability for California's educational system throughout the education continuum. These outcomes support the principal goal of the Master Plan: to promote student achievement.

Governance Desired Outcomes

- ◆ Provide accountability to students and parents by state, intermediate, and local agencies for meeting their respective obligations to provide high quality education—so that more students graduate from high school and college, that those students better reflect the diversity of California, and that those students are able to transition from high school or college with practical skills as well as academic knowledge, including the skills to be life-long learners.
- ◆ Clearly define state, intermediate, and local agency roles in a way that can be readily understood by all interested members of the public, and eliminate redundancy and conflict.
- ◆ Better coordinate governance entities within all sectors of education.
- ◆ Collect pre-K through university data thoroughly and consistently in a centralized system.
- ◆ Improve governance of the Community Colleges.

The second element of the charge was to recommend structural forms of governance that offer the greatest promise of yielding the desired outcomes. An overall pre-K through university governance scheme was addressed, as well as postsecondary education and K-12 structures at the state, intermediate, and local levels.

The final element of the charge was to assign clear roles and responsibilities within the structures at all levels, attempting to eliminate overlapping responsibilities. Upon consideration of this element of the Group's charge, initial deliberations also yielded the following principles to guide the Group's work:

Governance Guiding Principles

- ◆ State-level governance should provide for long-term planning based on clear standards and expectations.
- ◆ State-level governance should ensure a more consistent level of funding with less regulation.
- ◆ Local control of funding and delivery of education should be enhanced, consistent with state law.

With this foundation set by the end of meeting one, the Group began meeting two by laying out all of the issues in both K-12 and postsecondary education that were to be discussed throughout the meeting process. These issues guided the formation of the agendas for each of the remaining meetings.

Group Findings

K-12 Education

Statement of the Issues

The Governance Working Group agreed that the following issues require immediate attention and address education on a long-term basis, and that their resolution is integral to the governance framework of education throughout the state.

Overarching Issues

- Promoting learning and outstanding student achievement is the primary mission of California's public education system.
- At all levels there is divided leadership and lack of accountability.
- A linkage of clear lines of authority and responsibility with accountability is essential to effective governing and therefore should be promoted by the State Legislature.
- Effective governance must recognize the importance of appropriately empowered local and intermediate educational agencies.

State-level Issues

Accountability

- A primary purpose of having an elected office—direct accountability to voters—is frustrated by the division of leadership among multiple state entities.
- The respective roles of the elected Superintendent of Public Instruction, the appointed State Board of Education, and the appointed Secretary for Education are both confusing and conflicting. The present structure of governance is ineffective and allows organizations and individuals at the state level, as well as those responsive to state level entities, to avoid being accountable for the results of their decisions.
- The Governor has primary control of K-12 public education decision-making because the Governor both introduces the state budget, which recommends policy changes for education, and is nearly always the final arbiter on the budget and all other expenditure measures as a result of the line-item veto authority of the Governor.

Coordination

- There is a lack of coordination and accountability in the education system because there are so many agencies involved with little effective linkage among them.

Data Collection

- No central or state-level entity is charged with the responsibility for collection of K-12 data in the consistent and thorough manner necessary for effective delivery of education and matriculation within the K-16 system.
- The specific K-12 data to be collected should be determined by State policy makers, with objectives of that data collection clearly delineated.

Intermediate Issues

- Effective governance in the large and diverse state of California would likely be best realized through financial and academic oversight at a level closer to the district than the state.
- To improve efficient and effective use of resources, some services may need to be provided on a regional basis.
- There is a question as to whether necessary intermediate functions are most appropriately assigned to county offices of education, as currently configured, rather than to some other type of intermediate entity.

District-level Issues

Accountability

- There is a lack of comprehensive accountability for pupil achievement at the school site and district levels in both the elementary and secondary grades.

District Organization and Structure

- Districts that are considerably smaller or larger than an optimal size, or are organized to serve only a portion of the full K-12 grade span, are frequently unable to provide an articulated curriculum, coordinated services, and an accountable structure from kindergarten through high school graduation. Districts that are within the optimal range of size have demonstrated the best ability to maintain individual schools that are within the optimal range of school size. Avoidance of over-large school populations has been credited with fostering better attendance rates, lower drop-out rates, and fewer discipline problems, while consolidation of very small schools permits curricular enrichment, more extra-curricular activities, and operational economies of scale.

Local Boards

- The large amount of time and energy spent on negotiation of salaries and benefits often leaves local boards and administrative staff struggling to address important operational and instructional issues—and, over time, the

conflicts that frequently result from local negotiations over salary and benefits erode public confidence in local school districts.

Recommendations and Rationale

The Governance Working Group produced recommendations for the Joint Committee to consider in its development of the Master Plan. Although the Group discussed and considered mechanisms to implement these recommendations, it found that researching and formally addressing implementation options in addition to its recommendations would be outside of the scope of its charge and infeasible within its time limitations. The following recommendations are intended to be accomplished by the most direct mechanisms possible. Each recommendation is supported by a statement of rationale.

State-level

- 1. Accountability to California's citizens for the operations of K-12 public education at large, and ultimate responsibility for the delivery of education to California's K-12 public education students in particular, should both reside in the office of the Governor. The Governor should appoint a Chief State Schools Officer, to carry out, on behalf of the Governor, the following functions: establishing learning expectations, providing an accountability system of measurement (including specific technical assistance), and apportioning resources, and to serve as the Director of the Department of Education.**

Rationale: Sharing a strong view of a current structural disjuncture between responsibility/authority and accountability at the state level, the Group began its discussions by focusing on ways to align responsibility and accountability more effectively. The majority of Governance Working Group members expressed their perception of a need to align accountability and responsibility at the state level. Given that (1) the state-level functions of education are performed by multiple state entities,¹ and (2) the Governor has primary control of K-12 public education decision-making because the Governor both introduces the state budget, which recommends policy changes for education, and is nearly always the final arbiter on the budget and all other expenditure measures because of the line-item veto authority, it is reasonable for accountability to be aligned with the Governor's office.

The Group gave considerable attention to the linkage between the K-12 management function, currently residing in the Department of Education—which is under the direction of an independent elected official, the Superintendent of Public Instruction—and the Governor. Most members of the Group viewed this linkage as essential, since the Department of Education is responsible for so many crucial education delivery functions, and since failure to perform those functions or to perform them satisfactorily has led more often to blame assignment between the Superintendent and the Governor than to a remedy for the failure.

¹ See *infra* Table 1, Governance Background.

The Group discussed recommending that California's citizens be given an opportunity to vote for a constitutional amendment that would change the elected Superintendent of Public Instruction to be an officer appointed by the Governor. The discussions surfaced a concern that the voting public would be unlikely to be sufficiently informed on pertinent issues, such as alignment and accountability, to cast a truly informed vote and therefore would likely reject the amendment simply because it would be a loss of an elected position. The group also voiced apprehension as a result of the fact that past attempts to enact somewhat similar changes have failed, although there has never been a direct attempt to simply change the Superintendent's office from elected to appointed by the Governor.² The idea of having the Superintendent be appointed by the State Board initially engendered some support, then was largely rejected because of a concern that the link from the Superintendent to the Governor, though enhanced, would be too weak.

A minority view expressed consistently during Group discussions described the elected office of the Superintendent of Public Instruction as being an essential "independent voice" for education matters. The tension that is common between those elected to the positions of Governor and Superintendent was described by one member of the group as "healthy."

Cognizance of the fact that no one model of state-level education governance structure is embraced throughout the states³ further inclined the group to focus on the needs of California specifically, and to generally support a recommendation to link education functions to the Governor. Subsequent agreement among Group members was found on the conclusion that there is more than one avenue to the goal of linking K-12 education functions to the Governor, the addition of a gubernatorially appointed, cabinet-level officer to direct the Department of Education being one of them.

2. The Governor should be accountable for all K-12 state-level education agencies.

Rationale: Although the Group did not reach specific conclusions with respect to agencies such as the Commission on Teacher Credentialing, and although most state agencies are linked to the Governor by way of gubernatorially appointed members or staff, the Group determined that state-level alignment should be sure to include all state-level entities in order to underscore accountability and enable coordination.

² See Appendix B, John Gilroy, Governance Working Group Issue Paper No. 1: State-level governance of public education, kindergarten through 12th grade: Education administrative and policy entities, their roles and relationships, March, 2001.

³ See *infra* Table 2, Governance Background.

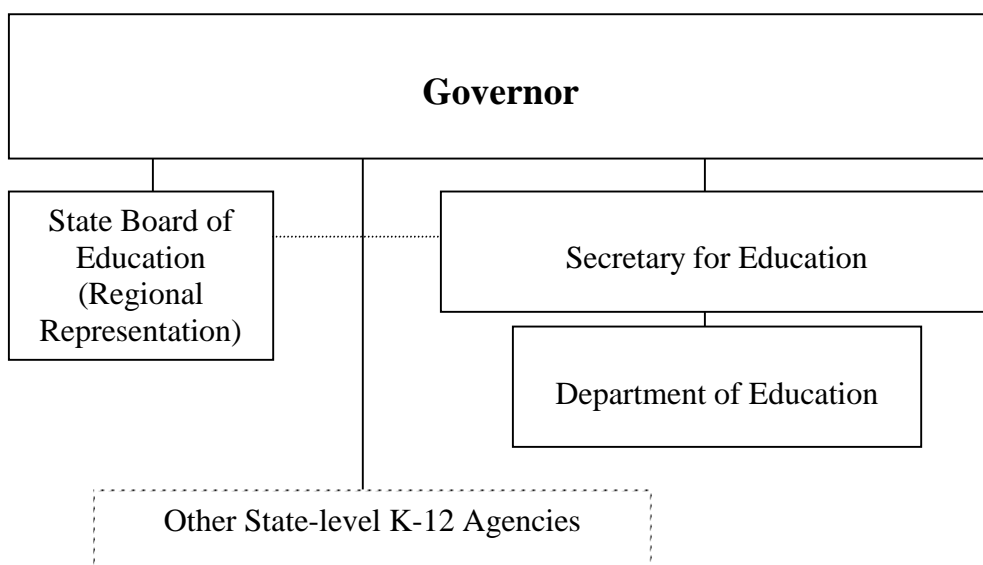
3. The separate executive director and staff of the State Board within the Department of Education should be eliminated.

Rationale: Having a separate executive director and staff which, though nominally part of the Department of Education, are directed by and report to the State Board of Education is an example of the incoherence of the existing structure of state-level K-12 education governance. When direction of the Department of Education as a whole is aligned as recommended with the Governor, as the State Board itself is now, dual staff will be unnecessary.

4. State Board of Education members should be drawn from and represent distinct geographical regions, and the functions of the State Board should be limited to policy matters.

Rationale: The needs of California's citizens, particularly those that arise from the diversity and regional variation of this state, will be better met if the policy-recommending body for K-12 education consists of representatives from all regions of the state. The State Board exists to make policy at a level of detail greater than the Governor can reasonably be expected to tend to personally. The State Board should not also be burdened with attempting detailed oversight of implementation of those policies.

The illustration below provides an example of a structure that would satisfy these four state-level recommendations.



Intermediate-level

- 1. A state-level inquiry, organized independent of currently existing agencies, should examine county offices and regional entities and their ability to meet current and emerging district, intermediate, and regional needs, including fiscal oversight, academic oversight, and management and administrative assistance. After this inquiry is conducted and reported, the Master Plan should incorporate a corresponding course of action.**

Rationale: Although the Group's discussion ranged among restating the importance of county offices, adding powers and functions to their scope, and reducing their number and subsuming them into regional agencies, there was ultimate agreement that county offices are currently providing essential services and that more information is needed to determine if and how county offices or other regional entities can meet the needs discussed in the foregoing recommendation.

Group discussion of intermediate agencies reached simultaneous congruency and disagreement. Accord was found in the view that there are needs best met and oversight functions best carried out by a level of governance that is not defined by the broad perspective of the state, nor reduced to the community perspective of local districts. The necessity of the services currently provided by the 58 county offices of education remained unchallenged. A need for services to be provided on a greater scale than that defined by county lines in some geographical areas of California—that is, a regional approach incorporating more than one county—also found general Group acceptance.

But a three-way division also arose in the Group regarding the structure of intermediate agencies, with some in support of county offices remaining intact structurally while being functionally revamped, others in support of expanding county offices into regional units that would incorporate and increase traditional county office services while reducing the number of offices, and still others undecided.⁴ Hence, consensus was never reached on merging county offices into regional agencies.

Many in the Group asserted that the following functions—which are currently performed by some county offices—are important and should remain and be expanded in the purview of intermediate agencies, whether those agencies are regional units or county offices of education:

⁴ There was limited discussion about revisiting the constitutional provision regarding county offices. See Appendix A, Meeting Summary 7, page 3 (the heading in the summary on page 3, “Group Decisions about Intermediate Agencies” should be understood to mean only tentative agreement found on that day among most of the members in attendance during that particular discussion).

- Program management.
- Oversight on behalf of the state.
- Appellate roles for district decisions.
- Serving as the education agency when there is no functioning local agency.
- Interaction with postsecondary education entities.
- Direct services to districts as requested.

The Group also discussed the question of elected versus appointed county superintendents, agreeing that (1) elected officials, generally, may be highly influenced by the special interests that fund their campaigns, and (2) elected officials sometimes act more quickly to make changes because of direct public accountability. However, no recommendations emerged.

District-level

- 1. A report of all pertinent research to date should be compiled regarding the effects of district and school size and structure on curriculum articulation, service coordination, and accountability at the site and district level. After this inquiry is performed and reported, the Master Plan should incorporate a corresponding course of action.**

Rationale: Unification impacts the district and site levels in ways that are beyond the scope of the Group's charge. While the Group concluded that extremes in district and school sizes are an impediment to the delivery of education, unification as the method to apply an optimal structure and size range to districts and schools is a topic that requires more specific research and discussion than the Group was able to undertake.

- 2. An examination of collective bargaining should be undertaken to determine the extent to which bargaining agreements may constrain the ability of school districts to ensure the provision of essential non-personnel resources to students. The results of this examination should be used to determine appropriate strategy to ensure that all districts set aside sufficient resources to meet state standards before engaging in bargaining for use of public resources for personnel costs.**

Rationale: The group discussed the following: not addressing local bargaining in this report; replacing local bargaining with a statewide salary schedule; recommending a statewide benefit system but not addressing salaries; charging the appointed state-level K-12 education official with development of guidelines for the bargaining process; providing more collective bargaining training for local board members; imposing a bargaining time limit; and capping the amount of money that can be spent locally on salaries. A solution to the problems that local collective bargaining presents should come from a report that is entirely focused on the subject and conducted by disinterested parties.

The large amount of time and energy spent on negotiation of salaries and benefits often leaves local boards and their administrative staff struggling to adequately address other important operational and instructional issues—and, over time, the conflicts that frequently result from local negotiations over salary and benefits erode public confidence in local school districts.

The issue of collective bargaining in general was identified by the Group as being highly controversial. Deliberations on the topic often revolved around the likelihood that any recommendations made by the Group regarding this issue would be met with political opposition. Nearly the entire Group agreed that the process of local board members bargaining with state money, with approximately 85 percent of district daily costs consisting of salaries and benefits, at least should be examined. A few members of the group maintained that the process is beneficial to the system and should be left to continue as it is.

There was near consensus that collective bargaining in general is a complex practice, and that local boards differ greatly in approach and effectiveness across the state. The Group agreed that “[G]overnance should be judged on the basis of what will work best on an institutional basis, rather than what may be the particular success, interest or issues being addressed by an individual or group of individuals at a given point in time.”⁵

Postsecondary Education

Statement of the Issues

The Group agreed that the governance of postsecondary education requires fewer overall improvements than that of K-12 education, but that those improvements are essential for both continued success as well as betterment of the California postsecondary education system.

California Community Colleges

- Clarity of mission responsibility at each level (state, regional, local) must be achieved.
- The value of and need for restructuring local districts should be examined.
- There should be a clear statement of which functions are assigned to the Board of Governors and which functions should be assigned to local boards.
- The current structure of the state-wide central office is ineffective for governance and coordination between the community colleges and other postsecondary systems.
- The Board of Governors’ lack of authority to appoint/approve senior staff of the central office frustrates effectiveness and accountability.

⁵ Michael A. Resnick and Harold P. Seamon, *Effective School Governance: A Look at Today’s Practice and Tomorrow’s Promise*, January, 1999.

California Postsecondary Education Commission

- CPEC does not have sufficient authority to coordinate or effectively monitor postsecondary education entities.
- CPEC does not have sufficient authority to require thorough and consistent data reporting by postsecondary education entities, although it is currently assigned that responsibility.

Recommendations and Rationale

The following recommendations are intended to be accomplished by the most direct mechanisms possible. Each recommendation is supported by a statement of rationale.

California Community Colleges

- 1. The California Community College system's main missions, by level, should be: state level, transfer; regional and local levels, workforce preparation; and local level, remediation.**

Rationale: There are multiple missions for the California Community College system; the Group decided that these were the three most prominent. These main missions may be concerns at every level, but the respective levels listed are the ones with the best ability and greatest responsibility to fulfill the missions. Efficient and accurate academic preparation for transfer to other postsecondary institutions requires massive coordination and is best fostered—if students' needs are preeminent—by a state-level approach. Workforce preparation varies widely depending on the work demand in the region and local community of the college. Remediation involves intense focus on individuals locally.

- 2. The responsibilities of the California Community College Board of Governors and local boards should be defined as the following:**

Board of Governors:

- **Exercise general supervision over, and coordination of, the local community college districts.**
- **Provide leadership and direction through research and planning.**
- **Establish minimum conditions and standards to be required for all districts to receive state support and to function within the system.**
- **Establish specific accountability measures and assure evaluation of district performance based on those measures.**
- **Approve courses of instruction and educational programs that meet local, regional, and state needs.**
- **Administer state operational and capital outlay support programs.**
- **Adopt a proposed system budget and allocation process.**
- **Ensure system-wide articulation with other segments of education.**

- **Represent the districts before state and national legislative and executive agencies.**

Local Boards:

- **Establish, maintain, and oversee the colleges within each district.**
- **Assure the district meets the minimum conditions and standards established by the Board of Governors.**
- **Establish policies for local academic, operations, and facilities planning to assure accomplishment of the statutory mission within conditions and standards established by the Board of Governors:**
 - **Adopt local district budgets.**
 - **Oversee the procurement and management of property.**
 - **Establish policies governing student conduct.**
- **Establish policies to guide new course development, course revision/deletion, and curricular quality.**
- **Establish policies to guide new course development, course revision/deletion, and curricular quality.**

Rationale: The community college system, to be effective, needs a clear statement of functions and authority for the Board of Governors and the local boards of trustees. This assignment of respective functions would clarify that it is the responsibility of the Board of Governors to ensure the performance of such duties as establishing statewide policy, negotiating funding, managing, and setting accountability standards for all the colleges collectively.

The Group decided early on and consistently restated throughout its meetings that focus in the postsecondary realm was needed most on the community college system. Group discussions ran the gamut of potential solutions to the community college governance challenges. Associating the system more with K-12 education versus the postsecondary segment; abolishing local boards; or abolishing the Board of Governors were points of discussion across the meetings. Ultimately, however, most members of the Group expressed the opinion that community colleges provide education that is, for the most part, post—K-12 education and that what plagues the system, in part, is its lingering semi-association in structure with the K-12 system. Assigning clear functions to the Board of Governors and local boards was agreed to be the best course of action at this time.

- 3. A state assessment should be conducted on the value of and need for restructuring of local districts with attention to the size and number of colleges in a district, as well as the scope of authority that should be assigned to each district. Should this assessment find restructuring valuable and desirable, incentives should be provided to encourage restructuring.**

Rationale: Some type of restructuring of the local district system is necessary from the point of view of both efficiency and effectiveness, but will be effective only if local boards are engaged and supportive. Size and scope of authority are the two main considerations with respect to the local board structure in the CCC system.

More focused discussion of community college local boards prompted the Group to conclude that the high number of districts and their overwhelming scope of responsibility limit the state system's ability to satisfy its missions. But local boards were decided to be too ingrained in the structure of the system to be sweepingly eliminated.

4. The CCC Board of Governors should have the same degree of flexibility and authority as that of CSU/UC, including the authority to appoint/approve senior staff to the Board of Governors.

Rationale: With regard to administration, the Group easily achieved consensus that the central office structure of both the California State University system and the University of California is highly functional. The Group further concluded that the flexibility and authority allowed by this structure would benefit the CCC central office. The authority to appoint/approve senior staff will help empower the CCC system to fulfill its missions by providing the Board of Governors the ability to choose competent, capable staff with expertise in specialized areas and offer competitive salaries rather than being confined to state salary schedules, which frequently fall below even district salary schedules.

California Postsecondary Education Commission

1. CPEC should be configured as follows:

- **The Governor should appoint its membership, for staggered terms.**
- **The commission should continue to appoint its executive director.**
- **There should be a civil service exemption for staff (parity with the structure of CSU).**
- **The mission should be to provide policy and fiscal advice that represents the broad public interest, planning for coordination, program review, and new campus approval.**

Rationale: Staggered terms would foster continuity on the commission, and the executive director's being appointed by the commission would enhance collaboration by insulating the executive director from any affiliation with existing systems of postsecondary education in the provision of advice to the Legislature, Governor, or system leadership. CPEC would benefit from the civil service exemption for the purposes of hiring employees who meet specific needs, as has been the experience of the CSU and UC systems.

The priorities of CPEC should be those interests that fit together to form a cohesive mission, and should not include those that put CPEC into a role conflict. Most members agreed that CPEC currently has competing missions of (1) subjectively approaching the postsecondary segments in order to coordinate them, while (2) objectively approaching the segments to negotiate among them. After discussing possible elimination of CPEC, the Group chose instead to recommend its redefinition, with its data collection responsibility re-assigned to an independent agency (see K-16 Education).

The Group did not progress far enough in its conversation about redefining the responsibilities and composition of CPEC to reach consensus on either additional authority that CPEC would require to enhance its effectiveness or whether the recommended gubernatorial appointments to the commission would be accompanied by a reduction in the overall size of the commission.

K-16 Education

Statement of the Issues

The Working Group agreed that K-16 issues should be addressed in a distinct section, given the Master Plan's emphasis on addressing K-16 as one system of education. The Group sought to identify and articulate the challenges that its recommendations would be developed to address:

- The Legislature is overly and unevenly involved in education governance, mostly with respect to K-12 education. The Legislature considered over 600 K-12 education bills last year, with individual bills being meaningful to some people and certain aspects of public education but constituting in combination a 'chaotic' approach to the system as a whole.
- No formal K-16 coordination/advisory function is currently in place.
- The absence of overall K-16 alignment results in difficulty in student transitions between K-12 and postsecondary education, and among postsecondary education systems.
- There is a deficiency of comprehensive K-16 data upon which to base meaningful and appropriate public policy.
- There is little scope for local control as a legal matter.

Recommendations and Rationale

The following recommendations are intended to be accomplished by the most direct mechanisms possible. Each recommendation is supported by a statement of rationale.

- 1. The Master Plan should be adopted by the Legislature as a template from which to formulate legislation and regulatory policy and thereby reduce the number of bills considered each year.**

Rationale: The California public school system is too large to be systematically improved by piecemeal legislation without regard to an overall plan. Members of the Legislature will benefit from having a Master Plan to which to refer when considering or drafting legislation and proposing budget appropriations.

The Group emphasized the outcomes to which the Master Plan should be geared, which coincided with nationwide goals as well. A fully functioning P-16 system would exhibit: (1) greater collaboration among education professionals at all levels; (2) alignment of standards and curriculum across levels; (3) widespread parent, community, and student understanding of goals and expectations; (4) significant reductions in the amount of postsecondary remedial work required; and (5) lower dropout rates in both secondary schools and colleges.⁶ To achieve these goals, the Legislature must use the Master Plan as a consistent guide when developing legislation.

2. The responsibility for K-16 coordination should be assigned to the Governor.

Rationale: The Group found that lack of coordination is the largest systemic governance problem. Coordination is necessary not only among the postsecondary segments, but between K-12 and postsecondary education. To ensure that this function will be carried out, it should be placed in the office having ultimate accountability and the greatest power over multiple segments; as discussed previously, that is the office of the Governor.

3. An independent agency should be identified to collect K-16 data, including cross-segmental and cross-level data.

Rationale: The Group was unanimous and strong in its assertion that there is currently insufficient data to evaluate/analyze the effectiveness of the public education system in California. There was further consensus among members that the best way to ensure credibility and consistency is to contract with or hire an independent agency to perform comprehensive data collection on an ongoing basis.

Some initial discord emerged over whether the agency that collects the data should be one that currently exists, a newly formed government agency, or an independent one. Since it is already charged with collecting postsecondary data, CPEC was suggested as an entity to collect K-16 data. But the fact that CPEC has to date been ineffective in the collection of data caused the group to view that entity unfavorably as the one to be given that charge. Further discussion led to consideration of two data collection agencies – one controlled by the Governor and one by the Legislature.⁷ But dueling data collection agencies seemed to the Group to be antithetical to the governance goals

⁶ Gordon (Spud) Van de Water and Terese Rainwater, What is P-16 Education? 2001.

⁷ After discussing the possibility of assigning data collection to the Governor, the group reasoned that the Legislature would then be likely to create a data collection agency under its own control, to ensure objectivity of the data collected. When the group discussed the possibility of assigning data collection to the Legislature, it reasoned the Governor would then also be likely to create a data collection agency, once again to ensure objectivity of the data.

of streamlining, coordinating, and creating a clear line of accountability. Some members of the Group strongly supported assigning the data collection charge to the University of California because of its resources and research capacity. The greatest level of agreement, however, was found on the recommendation to assign K-16 data collection to an independent agency to ensure accuracy, consistency, and, above all, objectivity.

4. To provide a firm legal basis for a sphere of local control, consideration should be given to amending the state constitution to permit local districts to adopt limited “home rule” authority through votes of their electorates in a manner similar to that long permitted for cities and counties.

Rationale: Although local control is favored politically, there is currently little scope for it, as a legal matter. Granting districts the ability to establish a limited but firm degree of local control would respond to the political desire for local communities to have some autonomy independent of general state laws.

Conclusion

The Governance Working Group began with a strong consensus around the governance issues that need to be addressed. Over the course of almost a year of regular meetings, the Group hammered out various proposals to address the problems it identified. In numerous meetings, the Group reconfigured the recommendations of previous meetings, in part because some members were unable to attend every meeting. In the end, after careful and thorough deliberation, the Group reached positive agreement on its key recommendations. This Group sends with this report the clear message that with respect to governance of the California education system, accountability is the key. The most pressing overall need is for the consistent collection of K-16 data by a credible entity. And the greatest systemic governance problem is lack of coordination. But it is the hope of the group that the Joint Committee will look to more than the recommendations in this report for issues to address in the Master Plan. The Master Plan should be designed for a span 15 to 20 years, and, as such, may outgrow some of the specific recommendations that may be adopted from this report into the Plan. But much of the other information in this report, such as the Governance Guiding Principles, the Governance Desired Outcomes, and the Rationale for the Recommendations, may be useful throughout the evolution of the Master Plan for Education, and will therefore, the Group hopes, be incorporated into it.

Governance Background

When Americans grow dissatisfied with public schools, they often blame the way they are governed. Current policy talk about restructuring, choice and accountability for reaching standards is a recent episode in a long tradition of governance reforms going back a century and a half. Governance reforms occupy a special place in the spectrum of planned changes in education, for governance is intimately involved with the how and why as well as the what of public schooling.⁸

Over the past century and a half, a handful of major shifts have occurred in education governance in the United States. Although state governments involved themselves, by way of incentives, local communities enjoyed control throughout most of the 19th century. This configuration was followed by industrialization's imposing corporate models on schools, with the purpose of focusing education largely on producing particular kinds of workers and citizens. As part of the same phenomenon, experts replaced laypersons in an education system that was becoming more urban. Subsequently, *Brown vs. Board of Education of Topeka*⁹ spurred a major change in policy that emphasized students' rights to receive education. This change fueled the creation of numerous programs to remove identified impediments to education delivery. Then as now, those critical of the state of the system "argued that existing institutional arrangements or configurations of control were both the objects of and obstacles to change."¹⁰ A few decades later, America's schools began to be transformed into institutions that increase the nation's ability to compete internationally. "The new ideology's manifesto became [in the mid-1980s] *A Nation at Risk*, which predicted in hyperbolic terms the demise of the United States as an international industrial leader if it did not improve its public education system."¹¹

Governance is a process that entails power and accountability. Governance procedures determine how and by whom decisions are made and what form of redress is available to various stakeholders.
-- Cristina Gibson

Schools must deal with the social challenges presented by a shifting population and the technical challenges of educating an increasingly diverse group of students for a much more demanding set of requirements in the 21st century. In addition, they have to face the economic challenges of accomplishing this without a large infusion of new funds.¹²

⁸ Thomas Timar and David Tyack, *The Invisible Hand of Ideology; Perspectives from the History of School Governance*, January, 1999.

⁹ *Brown v. Board of Education of Topeka*, 349, U.S. 294, 75 S.Ct. 753, 99 L.Ed. 1083 (1955).

¹⁰ Timar and Tyack, *supra* note 1, January, 1999.

¹¹ *Id.*

¹² Cristina Gibson, *Emerging Strategies for Private-Sector Governance*, January, 1999.

With respect to public education in California, members of the Governance Working Group faced the challenge of devising a reorganization proposal for a system currently being torn in two directions under an ideology that stresses performance outcomes. On one hand, education policymakers and local community members favor local control, while on the other, the state is ultimately responsible for the delivery of education. Marrying these two priorities within the overarching task of improving performance to enable California to better compete with other states and the rest of the world is a goal, however ambitious, that is not out of reach; achieving it would appear to require streamlining authority in a system in which necessary functions are performed within a structure that promotes those functions.

K-12 Education: State-level Governance

Education has a paramount position in state government, equal to that of national defense in the federal government—and even more so in California than in most other states.

A disinterested analyst could easily conclude, from a brief review of California's constitution, that operation of a public school system is the primary purpose of California's state government: The public schools are accorded unshared first priority for state expenditure, appropriations for the public schools are alone among all major categories of state expenditure in requiring only a simple majority for passage, and a more recent group of provisions ("Proposition 98") sets forth a unique and elaborate mechanism for determining a required, substantial minimum amount of state funding for the public schools in each succeeding fiscal year.¹³

Structural Change

The current structure of state-level governance in California is complex (see Table 1), and the assignment of functions is unclear and ineffective. California's existing structure of state-level governance of K-12 public education has been in place in essentially its current form for nearly a century.¹⁴ For the first 70 years of that period, at least, California's K-12 school system was commonly considered to be one of the finest in the United States.¹⁵ However, when a poorly designed system nevertheless functions passably well, the fact that it does so is testimony to the perseverance and good will of those who must make it work, not proof that its design is a wise choice.¹⁶

¹³ See Appendix B, John Gilroy, Governance Working Group Issue Paper No. 1: State-level governance of public education, kindergarten through 12th grade: Education administrative and policy entities, their roles and relationships, March, 2001.

¹⁴ Id.

¹⁵ Id.

¹⁶ Id.

Historical experience in the private sector may be relevant to public education. Public schools have faced similar challenges, in some cases in comparable proportions, to those faced in the private sector, and those challenges have resulted in review and re-establishment of function that have been followed by massive restructuring and changes in governance.¹⁷ Private-sector experience has demonstrated that performance gains are limited when traditional systems are simply improved.¹⁸ But structural change, however needed, is often difficult to convince voters to support.

[C]onstitutional amendments necessary to make the office of Superintendent appointive have actually been put before the voters only three times in total—just twice since World War II, with the most recent instance being more than thirty years ago. And of the two post-war proposals, only the first one, in an election held more than forty years ago, presented the matter as a stand-alone option—specifically, to have the Superintendent be appointed by the State Board, with the approval of the Senate.

It is at least possible that the more direct alternative—to have the Superintendent be appointed by the Governor (with Senate approval), a choice which has never been put on the ballot—could yet meet with the voters' approbation. On the other hand, it must be acknowledged that, as one result of term limits, there is likely little prospect of forging broad consensus among legislators in support of eliminating one of the few offices that offer them a state-level elective future following the forced end of their legislative service. More profoundly, it seems probable that the voters have a strong and abiding conception of the Superintendent of Public Instruction as their directly elected representative and spokesperson with regard to a matter of unique importance among state government's responsibilities—the public schools.¹⁹

¹⁷ Gibson, *supra* note 5, January, 1999.

¹⁸ *Id.*

¹⁹ Gilroy, *supra* note 6, March, 2001.

Table 1

Current State-Level Governance of K-12 Public Education

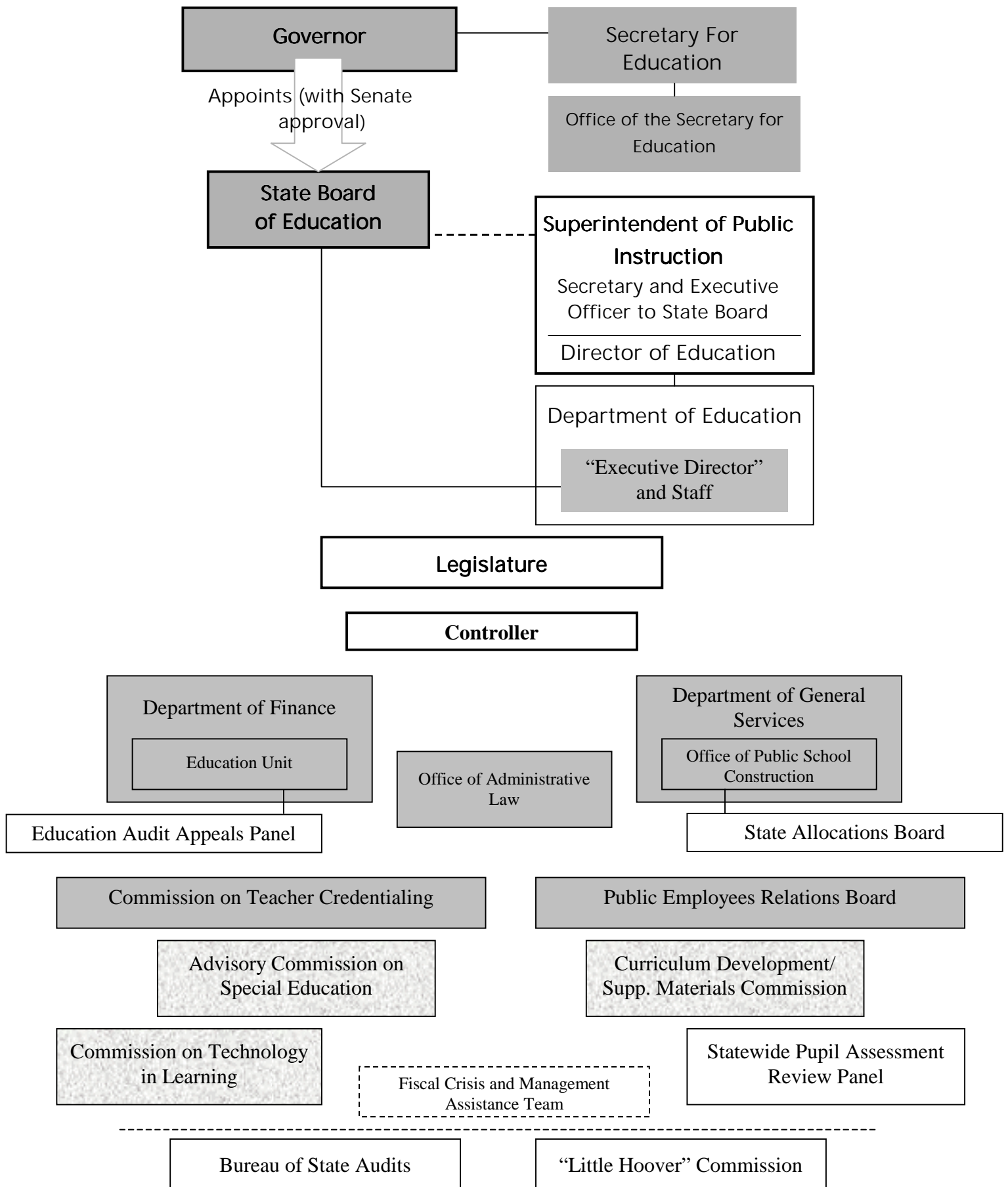


Table 2²⁰

Education Governance Structures in the Fifty States

STRUCTURE ONE (12 states)	STRUCTURE TWO (8 states)	STRUCTURE THREE (11 states)	STRUCTURE FOUR (9 states)
<i>Governor appoints SBE; SBE appoints the CSSO</i>	<i>SBE is elected; SBE appoints the CSSO</i>	<i>Governor appoints SBE; CSSO is elected</i>	<i>Governor appoints both the SBE and the CSSO</i>

Alaska
Arkansas
Connecticut
Illinois
Kentucky
Maryland
Massachusetts
Missouri
New Hampshire
Rhode Island
Vermont
West Virginia

Alabama
Colorado
Hawaii
Kansas
Michigan
Nebraska
Nevada
Utah

Arizona
California
Georgia
Idaho
Indiana
Montana
North Carolina
North Dakota
Oklahoma
Oregon
Wyoming

Delaware
Iowa
Maine
Minnesota
New Jersey
Pennsylvania
South Dakota
Tennessee
Virginia

States that do not conform to one of the four basic structures:

Florida – The state board of education (SBE) consists of seven elected cabinet members: the governor, secretary of state, attorney general, comptroller, treasurer, commissioner of agriculture and chief state school officer (CSSO).

Louisiana – Eight state board members are elected, and the governor appoints three members. The SBE appoints the CSSO.

Mississippi – The governor appoints five SBE members, while the lieutenant governor and speaker of the house each appoints two members. The SBE appoints the CSSO.

New Mexico – Ten SBE members are elected, and the governor appoints five. The SBE appoints the CSSO.

New York – The state legislature elects SBE members, and the SBE appoints the CSSO.

Ohio – State board is a hybrid, with 11 members elected and eight appointed by the governor with the advice and consent of the senate. CSSO appointed by SBE.

South Carolina – Legislative delegations elect 16 SBE members, and the governor appoints one SBE member. The CSSO is elected.

Texas – The SBE is elected, and the governor appoints the CSSO.

Washington – Local school boards elect SBE members, and the citizenry elects the CSSO.

Wisconsin – There is no SBE, and the CSSO is elected.

Source: *State Education Governance Structures*. Denver, CO: Education Commission of the States, 1993. Updated 1998.

K-12 Education: Intermediate-level Governance

County Offices of Education

²⁰ See also, Education Commission on the States, ECS Statenotes, Governance, Models of State Education Governance, March, 2000.

The current county-level governance structure consists of county boards and county superintendents, which function in some capacities as ‘intermediate’ between state and local entities.

County boards of education and county superintendents have distinct powers and duties specified by statute.²¹ Much of what the superintendent does is the result of constantly evolving arrangements between his or her office and the local schools districts in the county. As district needs change, the role of the superintendent is to respond with leadership, service, and support. Working cooperatively, county boards and superintendents make it possible for students to receive services directly and indirectly through the assistance the superintendent provides to local districts. By adopting the budget for the superintendent’s office, the county board makes possible a total level of fiscal support for the services that districts and their students require.

The county superintendent and the county board of education have separate duties and responsibilities. This is true whether the superintendent is (as in most counties) separately elected or is (in a few counties) appointed by the board. The interaction between the board and the superintendent is entirely distinct from the relationship of a school district governing board and its employed superintendent. The county superintendent works directly with the school districts in the county to provide support and guidance for their operations. Policy determinations inherent in that relationship are made by the superintendent and the local school boards. The county board of education does not have a role in determining the policies of local school districts.

A wide variety of practices and policies have developed in the various counties to enable the county board and county superintendent to work cooperatively. In those counties where both are duly elected, each is directly accountable to the electorate. Open communication between superintendent and board and mutual sharing of information facilitate the accomplishment of their respective functions.²²

K-12 Education: District-level Governance

District and School Size and Structure

²¹ See Appendix B, Reference Materials, AB 139, History and Development of California’s County Superintendent of Schools and County Boards of Education, and Statutory Functions of County Boards of Education and County Superintendents.

²² Id., Statutory Functions.

In recent decades two basic trends have emerged across the nation with respect to the size of districts: (1) combining or consolidating school districts with small enrollments, usually in rural areas; and (2) breaking up school districts with large populations (usually large urban districts), into smaller administrative units.²³

Across the nation, the reasons for district consolidation are typically to address (1) inequalities in financing, (2) problems with management, oversight, and/or financial expertise, and (3) economies of scale. Consolidation is usually carried out by state boards of education, special committees, or legislation.²⁴ To these reasons the group added the goal of promoting cohesiveness in educational planning and delivery. Deconsolidation is sought when a district's size impedes the delivery of education.

In California, 31 percent of all school districts have an average daily attendance of less than 500.²⁵ About one-fifth are between 5,000 and 15,000 average daily attendance, and Los Angeles Unified School District had almost 700,000 average daily attendance during the 1998-99 school year.²⁶

Districts that are considerably smaller or larger than an optimal size, or are organized to serve only a portion of the full K-12 grade span, are frequently unable to provide an articulated curriculum, coordinated services, and an accountable structure from kindergarten through high school graduation. Districts that are within the optimal range of size have demonstrated the best ability to maintain individual schools that are within the optimal range of school size. Avoidance of over-large school populations has been credited with fostering better attendance rates, lower drop-out rates, and fewer discipline problems, while consolidation of very small schools permits curricular enrichment, more extra-curricular activities, and operational economies of scale.

During this century, the size of schools has grown tremendously, particularly in urban areas. Nationwide since World War II, the number of schools declined 70%, while average size grew fivefold. More than one in four secondary schools nationwide enrolls over 1,000 students, and enrollments of 2,000 and 3,000 are not uncommon.

The thinking behind large schools was that bigger meant more extracurricular opportunities, a more diverse curriculum and more resources for students as a result of economies of scale. Intuitively, this makes sense; a growing body of research and public opinion, however, indicates this approach is misguided and that, when it comes to school size, smaller is actually better.

Research has shown that students from smaller schools have better attendance rates and that when students move from large schools to

²³ Education Commission on the States Information Clearinghouse, School Districts: State Realignment Activities, District Realignment Activities in the States, 1996.

²⁴ Id.

²⁵ EdSource, December, 1999.

²⁶ Id.

smaller ones their attendance improves. Smaller schools also have lower dropout rates and fewer discipline problems....

While there is no agreement about what school size is ideal, the consensus of researchers is that no school should serve more than 1,000 students and that elementary schools should not exceed 300 to 400 students. There is also a general acknowledgment that the huge 2,000-, 3,000- and 4,000-student schools now in use are much too large.²⁷

Local School Boards

Local school boards are an integral part of the history of American public education. Across the nation, there are about 15,000 local school boards and 95,000 local school board members, 96 percent elected by their communities.²⁸ California has approximately 1000 local school boards, with varying membership sizes.

It is a fundamental obligation of local school boards to...provide the crucial link between public values and professional expertise.

Historically, local school boards, as lay governors of the school system, believed their role was not to substitute their own views on matters of pedagogy for those of professional educators. Rather, they perceived their role to be supportive in nature, approving the budget and legal documents, dealing with constituents, receiving reports, campaigning for bond issues and providing “cover” on politically sensitive issues. While those are legitimate functions and should continue, the challenges of raising student achievement in the 21st century suggest a more meaningful and dynamic governance role for local school boards in setting education policy. It is a role that does not cross into the implementation of education content or pedagogy, but rather provides leadership to school systems as they establish and strive for high levels of student performance.²⁹

Postsecondary Education

The term governance has a particular meaning when applied to the authority and responsibility of governing public boards of colleges and universities. There is a strong historical and legal tradition in American postsecondary education of institutional autonomy—a high degree of freedom from external intervention and control. All states assign responsibility for governing public colleges and universities to one or more boards most often composed of a majority of lay citizens representing the public interest. The names of these boards vary, but

²⁷ Education Commission of the States, *The Progress of Education Reform*, 1999-2001.

²⁸ Michael A. Resnick and Harold P. Seamon, *Effective School Governance: A Look at Today's Practice and Tomorrow's Promise*, January, 1999.

²⁹ *Id.*

*"board of trustees" and "board of regents" are the most common. The responsibilities of these boards are similar to those of boards of directors for nonprofit corporations. Public institution governing boards were modeled after the lay boards of private colleges and universities. Private college boards usually govern a single institution. In contrast, public institution boards most often govern several public institutions. In fact, 65% of the students in American public postsecondary education attend institutions whose governing boards cover multiple campuses.*³⁰

Even though at the beginning of the post-war era two of California's three segments of postsecondary education—the state colleges and junior colleges (as they were then called)—shared the same state-level governance entity, the State Board of Education, all three of the segments developed essentially independently. With the adoption of the Master Plan for Education in 1960, the segments expanded to cover all populated areas of the state. Each of the three was assigned a separate mission, and considerable differentiation among those missions continued in modern times. Partially, as a result of increased population mobility, and partially because of state policy priorities, student transfer both within and particularly among the three segments increased materially with the passage of time. By the early 1970s it had become obvious that, if for no other reason than to accommodate that transfer phenomenon, there was a much greater need for a structural means of coordination among the three segments.

*Several recurrent concerns have been identified as initiating the trajectory to restructure a state's postsecondary education governance system (a number of which led to California's original Master Plan for Education for Higher Education in 1960): (1) actual or perceived duplication of high-cost graduate and professional programs; (2) conflicts between the aspirations of institutions, often under separate governing boards, in the same geographic area; (3) legislative reaction to lobbying by individual campuses; (4) frustrations with barriers to student transfer; (5) proposals to close, merge, or change the missions of particular colleges or universities; (6) inadequate coordination among institutions offering one- and two-year vocational, technical, occupational, and transfer programs; (7) concerns about an existing state board's effectiveness; and (8) a proposal for a "superboard" to bring all of public postsecondary education under one roof.*³¹

California Community Colleges

³⁰Aimes C. McGuinness, *Governance and Coordination: Definitions and Distinctions*, December, 2001

³¹Aims C. McGuinness Jr., "Essay," *1997 Postsecondary Education Structures Sourcebook: State Coordinating and Governing Boards*, Education Commission of the States, Denver, CO: 1997, pp. 31-33, cited in *Governance and Coordination of Public Higher Education In All 50 States*, The North Carolina Center for Public Policy Research, 2000, viii-ix.

Nearly half of all U.S. college students are enrolled in community colleges. These institutions provide easy access, tailored training programs, and a reasonably priced education for the first two years of postsecondary coursework. Rapidly increasing demands, however, also are creating big challenges for community colleges and policymakers.³²

California's Community Colleges are the point of universal access—they have the charge of providing every willing high school graduate, and any other adult resident who can benefit from instruction, with vocational education, remedial education, academic education leading to the associate degree, and/or preparation to transfer to a baccalaureate degree-granting institution. The 109 community college campuses, organized in 72 districts with 435 locally elected trustees, are located such as to ensure a commute of not more than 30 minutes from virtually any home in the state.³³

In 1999, total enrollment in California Community Colleges was 1,401,000, compared to 178,400 in the University of California, 358,900 in the California State University, and 213,000 in California Independent Institutions.³⁴

The transfer function is one of the most important educational opportunities afforded by the community colleges. In the year 99-00, California Community Colleges transferred 47,706 students to the California State University, and 10,827 to the University of California.³⁵

California Postsecondary Education Commission

Evidently, one of the most elusive goals of postsecondary education throughout the U.S. is coordination of the separate elements of each state's system—perhaps because the means of facilitating coordination must evolve in parallel with the needs for organization and cooperation. Many states have responded to the progress of postsecondary education with reformation of their governance systems in pursuit of improved coordination to realize their developing goals.

Established in 1974 by state law as California's planning and coordinating body for postsecondary education under the provisions of the Master Plan for Higher Education, CPEC was intended to have a unique role in integrating fiscal, programmatic, and policy analysis about California's entire system of postsecondary education. Nine of its members represent the general public, five represent the major systems of California education (the California Community Colleges, the California State University, the

³² Education Commission on the States, web site language, 2001.

³³ See Appendix B, Christine Morse Galves, Issue Paper No. 2, Higher Education in California: History of Change, Coordination of the Tripartite System, and Community College Governance, April, 2001.

³⁴ CPEC, 1999.

³⁵ New Community College Transfer Students and California Public Universities, California Postsecondary Education Commission Factsheet, January, 2001.

University of California, the independent colleges and universities, and the State Board of Education), and two are student representatives.³⁶

Every state currently uses one or another of four configurations of state-level governance to foster coordination.³⁷ Only three states have advisory coordinating boards, which resemble regulatory coordinating boards in their liaison role. The advisory coordinating board (the structure of CPEC) is extremely limited in power, with the sole ability to provide advice to the Legislature, the Governor, and postsecondary education boards.

Generally, California postsecondary education suffers from the inefficiencies that result from separating the tasks of governance and coordination, as well as the frequent inability of the different boards to work together. An illustration of the limitations of advisory coordinating boards is CPEC's struggle to discharge its assignment to collect data from the University of California and California State University systems, which are not subject to any penalties for failure to provide that data. There are no clear, specific guidelines for the requesting and providing of data, especially with respect to students, and no enforcement mechanisms or consequences for noncompliance.

K-16 Education

*Through the latter part of the 19th century, the nation's education system consisted primarily of basic instruction in the three R's, limited to white children, coupled with a handful of private, church-sponsored colleges that trained male clergy and statesmen. Since then, the nation has responded to succeeding waves of social and economic movements by continuously expanding educational opportunities until the gaps were filled with junior high schools, comprehensive senior high schools, low-cost community colleges, teacher colleges turned comprehensive state colleges and research universities. Now, ongoing advances in technology and telecommunications are spurring a new wave of learning options that can be delivered directly to anyone, any time.*³⁸

A cohesive education system from pre-school through university is becoming more popular for many reasons, continuously coordinated services and an accountable structure among them. Creating a more integrated, seamless education system involves grappling with a host of complex issues, including standards, testing, teacher education, college admissions policies, governance, funding streams, and institutional turf issues, to name just a few.³⁹

³⁶ CPEC web site language, 2001.

³⁷ Galves, *supra* note 26, April, 2001 (describing the four configurations of state-level governance to foster coordination).

³⁸ Gordon (Spud) Van de Water and Terese Rainwater, What is P-16 Education? 2001.

³⁹ *Id.*

Since a P-16 system has as its goal that all learners will master challenging material and achieve at high levels, it creates an environment that expects success from everyone – the gifted and the ordinary, the rich and the poor, the white and the black and the brown, the young and the not-so-young, urban and rural, the native and the immigrant. A system that allows no throwaways is a system in tune with U.S. needs.

-- Gordon (Spud) Van de Water and Terese Rainwater

State master/strategic plans for education frame a state's goals for education policy and outline the steps necessary to achieve these goals. Since 1996, 31 states have updated or written new master/strategic plans for postsecondary education; 16 of these master/strategic plans were written in 2000; 6 states, including California, are in the process of writing new plans; 13 of these plans utilized a pre-school through university approach.⁴⁰

The Group's goals for a K-16 system were in agreement with those identified by policy analysts across the nation:

- Expanding access to early learning for children ages 3 to 5, and improving their readiness for kindergarten.
- Smoothing student transitions from one level of learning to the next.
- Closing the achievement gap.
- Upgrading teacher education and professional development.
- Strengthening relationships between families and schools.
- Creating a wider range of learning experiences and opportunities for students in the final two years of high school.
- Improving college readiness and college success.⁴¹

Coordination

Everywhere the attempts of different branches and phases of the educational enterprise to solve their special problems in isolation are met by the stubborn fact of...interdependence. ... And this problem is insoluble till education is understood as a unified process.

— John Dewey, 1936

It is imperative that coordination be fostered between postsecondary education segments as well as between K-12 education and postsecondary education at large.

Historically, America's systems of K-12 education and postsecondary education have operated independently of one another, with each having its own governance system and politics, its own goals and objectives, and

⁴⁰ Education Commission on the States, State Master/Strategic Plans for Postsecondary Education, December, 2001.

⁴¹ Van de Water and Rainwater, *supra* note 31, 2001.

its own institutional culture. Indeed, in some cases, K-12 and postsecondary education have even operated at cross purposes....

[There are] several reasons for concern. One is the large number of students who enter postsecondary education requiring some form of remediation before taking college-level courses and the corresponding large numbers who drop out without receiving a degree. (Twenty-seven percent of freshmen in four-year colleges and 44 percent of freshmen in community colleges do not return for their sophomore year). Another reason is increased corporate sector demands for greater accountability to ensure that graduates of both K-12 and postsecondary systems have the necessary knowledge and skills to succeed in the workplace....⁴²

While performance levels for college entrance may vary with the type of institution, higher education public institutions and all high schools have an obligation to align their standards and to publicly state their required performance levels at each institution. State policy leaders can create a statewide P-16 council composed of representatives of secondary and higher education, as well as representatives of the business community, and assign this council the responsibility for articulating high school graduation standards that are aligned with the entrance requirements of public colleges and universities.⁴³

The lack of communication among education levels means that students have not had clear expectations of what they should know and be able to do in preparation for the next higher level of learning. Recent implementation of standards, coupled with new assessment and accountability policies, help to clarify what is expected within a given level. Across levels, however, there is neither a clear understanding of what is expected nor an alignment of curriculum and assessments. A P-16 system pushes these issues to the forefront, forcing resolution of confusing messages, misaligned curricula and conflicting assessments. The result is clearer expectations among students, parents and educators, aligned approaches to academics and unimpeded pathways to the next level of learning.⁴⁴

Data Collection

Sound policymaking in the context of large educational systems depends on the collection of uniform, unbiased data relevant to the issues at hand.

⁴² M. Bruce Haslam and Michael C. Rubenstein, K-16 Alignment as a Strategy to Improve the Connection Between High School and Postsecondary Education, posted to the Education Commission on the States' web site with permission of Policy Studies Associates, still posted there as of January, 2002.

⁴³ James England, Bringing Secondary Education into the Information Age: Universal College Preparation, June, 2001.

⁴⁴ Van de Water and Rainwater, *supra* note 31, 2001.

A reliable gut feeling goes a long way: School leaders have always had an uncanny knack for sensing which students are headed for trouble, which curriculum programs work well, and how best to improve student achievement. But in today's complex, modern school systems, many educators are looking for ways to augment their instincts with solid data—and to back up their hunches with hard facts....

Too often, the school district's own data is not accessible in a useful form to the people who need it the most. For starters, the information is typically entered and stored on many different computer systems, each serving its own purpose and using its own format. Quite often, lack of consistency makes it extremely difficult to correlate data by drawing on information from several databases. What's more, the level of technical difficulty involved usually makes it impractical for administrators to perform their own interactive queries on the data; instead, they must wait for infrequent reports from the data processing department. The end result is that school districts have become data-rich but knowledge-poor. Many questions that school districts could -- and should -- be asking go unanswered, such as: What is the relationship between attendance and literacy? What is the connection between teacher training and student test scores? What characteristics are shared by students who drop out, and what attributes are common to those who succeed? Why are some teachers more effective than others, and how can the district use that information to help other teachers improve? Which programs are the most cost-effective? What is the relationship between early childhood education and later academic success?⁴⁵

Local Control

More controversial in the context of K-12 education, since K-12 education is a fundamental *state* interest, but also potentially significant in postsecondary education, is the issue of local control.

Article IX, Section 5, of California's Constitution promises a free public school system: "The Legislature shall provide for a system of common schools by which a free school shall be kept up and supported in each district...." The fourteenth amendment of the U.S. Constitution, commonly called the 'equal protection clause,' requires that states deliver their promises on equal terms to all persons. California's constitution reflects the fourteenth amendment, and has been interpreted through case law to establish education as one of the fundamental interests that come within the equal protection guarantee.

Litigation demonstrates the State's ultimate responsibility for its public education system. *Daniel v. State of California* was filed on July 27, 1999, on behalf of California

⁴⁵ Lars Kongsheim, Smart Data: Mining the School District Data Warehouse, September, 1999.

public high school students who allegedly are being denied equal and adequate access to Advanced Placement ('AP') courses by the State of California and local school districts.⁴⁶ In *Williams et al. v. State of California et al.*, a statewide class action suit filed on May 17, 2000, California public school children claim to be deprived of educational opportunities in that they attend schools that lack appropriate basic learning tools such as adequate physical facilities, books, trained teachers, and seats for students. On November 16, 2000, the judge in *Williams* issued a written order denying the State's effort to dismiss the case. He ruled that the students' allegations, if proved, "would demonstrate that, despite the State's legal obligations with respect to public education, these plaintiffs do not enjoy the level of educational opportunity to which they are entitled."⁴⁷

Hence, with respect to K-12 education, California's constitution does not allow state government to relinquish to local authorities its ultimate responsibility to provide a free and equitable public education. This fact collides with the reigning political sentiment that, regarding many aspects of K-12 education, and potentially postsecondary and K-16 education, local communities are in the best position to identify their needs and set about meeting them.

One means of establishing a firm, lasting sphere of local control for school districts—one that could be applied to K-16 education—might be to give districts authority in the state constitution, similar to the authority that cities and counties have long had, to adopt limited "home rule" powers.⁴⁸ In this way a specified amount of control could, with lasting legal effect, be shifted to districts and away from the State.⁴⁹

⁴⁶ Successful completion of AP courses is commonly necessary to gain access to the UC system and other competitive colleges.

⁴⁷ ACLU website.

⁴⁸ See Appendix B, Ballot Charters, 2001.

⁴⁹ See generally, Id.